IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 25141 of 2007(R)

OS.822/2006 of ADDL.MUNSIFF COURT, ALAPPUZHA

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PETITIONERS:

1. CELINE, AGED 60, D/O.MARY,
PUTHENPURACKAL, MANGALAM WARD, ARYAD SOUTH VILLAGE, KANJIRAMCHIRA, ALAPPUZHA.

2. SANTHOSH, AGED 28, S/O.CELINE,
PUTHENPURACKAL, MANGALAM WARD, ARYAD SOUTH VILLAGE, KANJIRAMCHIRA, ALAPPUZHA-688 007.

3. PHILOMINA, AGED 57, D/O.MARY,
PUTHENPURACKAL, MANGALAM WARD, ARYAD SOUTH VILLAGE, KANJIRAMCHIRA, ALAPPUZHA-688 007.

BY ADV. SRI.P.N.RAMAKRISHNAN NAIR
SRI.P.VISWANATHAN
SRI.AJU MATHEW

RESPONDENTS:

1. V.A.MARTIN, AGED 55, S/O.KATHRINA,
VAVAKATTU HOUSE, ARATTUVAZHY WARD,
ALAPPUZHA-688 007.

2. MONICHAN @ SEBASTIAN, AGED 38,
S/O.CELINE, PUTHENPURACKAL MANGALAM WARD,
ARYAD SOUTH VILLAGE, KANJIRAMCHIRA,
ALAPPUZHA-688 007.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.25141 OF 2007

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Dated this the 18th day of August 2007

JUDGMENT

This writ petition is filed against the order of the Addl.Munsiff's Court, Alappuzha in I.A.No.99 of 2007 in O.S.No.822 of 2006. The said application is filed to substitute the name of Lawrence in the place of Monichan @ Sebastian. The suit is one for an injunction. It is averred that these two persons are relatives and there was some mistake in the identity and that is why Monichan was impleaded. But on later enquiry, it is found that it is Lawrence and not Monichan and therefore the plaintiff wanted to implead him as a party. Whether there is any cause of action against the proposed party or whether the plaintiff is entitled to any relief are all matters to be decided after he is impleaded and he is heard by the court. One need not shut out the right of the plaintiff to get a person impleaded if he is really entitled to any relief against him. The court has directed the plaintiff to pay an amount of Rs.250/- to Monichan for unnecessarily dragging him into the court.

Therefore I find that there is nothing to interfere with the order of the

court below. Writ petition lacks merit and the same is dismissed. But I make it clear that it is for the plaintiff to establish his case against Lawrence and Lawrence is at liberty to contest the case, file written statement and hearing in accordance with law.

M.N.KRISHNAN, JUDGE

Cdp/-